



March 28, 2008

Alaska Department of Environmental Conservation
Attn: Katy McKerney, Senior Compliance and Enforcement Officer
410 Willoughby, Suite 303
Juneau, AK 99811-1800

RE: **Application for Short-Term Variance of Alaska Water Quality Standards
Northern Victor - Pile B Size Reduction Plan**

Dear Katy:

As required by ADEC regulations, 18 AAC 70.200., Icicle Seafoods, Inc. requests ADEC's approval of this application for Short Term Variance of Alaska Water Quality Standards in connection with Icicle's proposed remediation of Pile B intended to reduce the areal coverage of the zone of deposit (ZOD) to less than 1.0 acre from its current estimated size of 1.71 - 2.33 acres. Although this project is similar in many respects to the Pile 'A' Removal Project previously approved at this location by ADEC, it differs in the very significant sense that no material is being raised to the surface for removal.

- (1) A one-time, temporary activity that is a non-point source of water pollution, and**
- (2) A temporary activity associated with the placement of dredged or fill material affecting a specific waterbody.**

The pile reduction plan calls for raking in the outer boundaries of Pile B for the express purpose of reducing the areal coverage of Pile B on the sea floor to less than 1 acre. These activities will be conducted by a Dutch Harbor contractor, Magone Marine Services, and will proceed as outlined in the attached "Pile B Size Reduction Plan". The plan calls for Magone Marine to use the same raking device (Rake) they developed and modified during the Pile 'A' remediation. In that project the Rake was used to facilitate removal of seafood wastes from the seafloor by consolidating the material to allow more efficient dredging of increasingly dispersed material as the project matured.

- (b) The Dept will grant a short-term variance only if an applicant shows to the Dept's satisfaction that,**
 - (1) wastes or substances that might adversely affect water quality are controlled, using methods the Dept finds most effective;**

In this project there will be no material brought to the surface for permanent removal from the seafloor thus precluding any need for screening equipment to minimize re-deposition. The operator of the vessel deploying the Rake will take care to minimize disturbance to the seabed by not raking any deeper or repetitiously over the seafloor than is necessary.

- (2) the activity will be conducted in a manner to mitigate water quality impacts, using methods the department finds most effective; and**

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ICICLE SEAFOODS, INC.

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see above

- (3) the activity, when completed, will not cause a long-term, chronic, or recurring violation of the water quality standards.**

This proposed remediation activity will not pose any long-term, chronic, or recurring violation of the Water Quality Standards. Rather the project will rectify the current exceedance of the permitted area of the zone of deposit.

- (c) The Dept will, in its discretion, grant a short-term variance by geographic area or project, on/for a specific event. The term of a variance will be as short as practicable, and will, at least, expire when the project is completed.**

This application requests a variance period for May 1st – June 15th, 2008 (weather permitting). In the event the project is not concluded within this period an extension of the variance period would be requested to accommodate a resumption of operations in approximately October, 2008 when the Northern Victor would have finished the 'B' Season. A subsequent written request will be submitted if circumstances dictate such an extension.

- (d) A person seeking a short-term variance shall submit a written request and proceed in accordance with 18 AAC 15.020- 18 AAC 15.100. The request must state the,**
(1) location, time, duration and type of activity for which the variance is sought

Location: Northern Victor "Pile B", as denoted in NPDES Individual Permit #AK 005286-8, located in Udagak Bay, Unalaska Island, AK.

Time: This application requests a variance period from May 1st – June 15th, 2008 (weather permitting). In the event the project is not concluded within this period, a supplemental operating period of Oct – Nov 2008 is sought. In this event, sufficient practical notice shall be provided by the Contractor to ADEC.

Duration: Time estimate for completion of remediation activity is estimated at 15-21 days.

Type of Activity: Raking of outer perimeter of Pile B inward for the purposes of reducing zone of deposit areal footprint to less than 1.0 acres.

- (2) reason why activity is required;**

NPDES Individual Permit #AK 005286-8 stipulates the return of permitted the ZOD to within permitted limitations for the ZOD.



ICICLE

- (3) area, extent, and quantified degree of variance from the applicable criteria;**
- (4) detailed construction and operating plans, including water pollution control and mitigation measures; and**

NPDES Individual Permit #AK 005286-8 stipulates that the ZOD not exceed 1.5 acres in area. The ZOD for Pile 'B' is currently covers an area estimated at 1.71 - 2.33 acres in area

- (5) activity's estimated impact on the uses of the water involved, including recreation and use for habitat, rearing, growth, or migration by fish, shellfish, other aquatic life, and wildlife.**

The localized and relatively non-invasive nature of this project will result in minimal impact over the long term on the waters, habitat, or aquatic life of Udagak Bay.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Clutter", is written over the printed name and title.

ICicle Seafoods, Inc.

Michael Clutter
Environmental Compliance Officer